

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DAVID NORRIS DAUGHTREY

v.

COMMISSIONER, SSA

§

§

§

§

§

Civil Action No. 4:16-CV-432  
(Judge Mazzant/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On April 14, 2021, the report of the Magistrate Judge (Dkt. #25) was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b) (Dkt. #17) be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Plaintiff's § 406(b) Motion (Dkt. #17) is **GRANTED**. Plaintiff's attorney is awarded a fee in the amount of thirty-three thousand four hundred ninety-nine dollars and twenty-five cents (\$33,499.25), to be paid from Plaintiff's past due benefits being withheld by the Commissioner for attorney fees. Upon receipt of such payment, Plaintiff's attorney shall refund to Plaintiff the EAJA award previously granted in this cause.

**IT IS SO ORDERED.**

**SIGNED this 30th day of April, 2021.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE